

ORIGINAL

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U.S.D.C. Gainesville
MAR 16 2004
LUTHER D. THOMAS, Clerk
By: [Signature] Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA :
 :
 :
 :
 v. : CRIMINAL ACTION NO.
 : 2:02-CR-38-01-RWS
 :
 WILLIAM EMMETT LECROY, :
 JR., :
 :
 :
 Defendant. :

PENALTY PHASE SPECIAL VERDICT FORM

INSTRUCTIONS: AS MUCH AS POSSIBLE, YOU SHOULD PROCEED THROUGH THIS SPECIAL VERDICT FORM SECTION BY SECTION IN ORDER.

I. AGE OF THE DEFENDANT

INSTRUCTIONS: ANSWER "YES" OR "NO."

WE UNANIMOUSLY FIND THAT THE GOVERNMENT HAS ESTABLISHED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT WAS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE OFFENSE ALLEGED IN THE INDICTMENT.

YES ☒ NO

[Redacted Signature]

FOREPERSON

DATE: March 10, 2004

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INSTRUCTIONS:

IF YOU ANSWERED "NO" TO THE AGE DETERMINATION, THEN YOU CANNOT CONSIDER THE SENTENCE OF DEATH FOR THIS DEFENDANT, AND THE COURT WILL IMPOSE A SENTENCE OF LIFE IN PRISON WITHOUT THE POSSIBILITY OF RELEASE. YOU SHOULD STOP YOUR DELIBERATIONS, CROSS OUT SECTIONS II, III, IV, V, AND VI, AND PROCEED TO SECTION VII OF THIS SPECIAL VERDICT FORM. IF YOU ANSWERED "YES" TO THE AGE DETERMINATION, THEN YOU SHOULD CONTINUE YOUR DELIBERATIONS IN ACCORDANCE WITH THE COURT'S INSTRUCTIONS AND PROCEED TO SECTION II WHICH FOLLOWS.

II. THRESHOLD ELIGIBILITY FACTORS

INSTRUCTIONS:

FOR EACH OF THE FOLLOWING, PLACE AN "X" NEXT TO "YES" OR "NO" INDICATING WHETHER YOU, THE JURY, UNANIMOUSLY FIND THAT THE GOVERNMENT HAS PROVEN BEYOND A REASONABLE DOUBT THAT THRESHOLD ELIGIBILITY FACTOR.

1. THE DEFENDANT INTENTIONALLY KILLED JOANN LEE TIESLER.
YES X NO
2. THE DEFENDANT INTENTIONALLY INFLICTED SERIOUS BODILY INJURY THAT RESULTED IN THE DEATH OF JOANN LEE TIESLER.
YES X NO

INSTRUCTIONS:

IF YOU ANSWERED "NO" WITH RESPECT TO BOTH OF THE THRESHOLD ELIGIBILITY FACTORS IN SECTION II ABOVE THEN THAT ENDS YOUR CONSIDERATION OF THE DEATH PENALTY. YOU MUST STOP YOUR DELIBERATIONS, CROSS OUT SECTIONS III, IV AND V, AND INDICATE IN THE SECTION VI FINDINGS PORTION OF THIS FORM THAT THE JURY HAS BEEN UNABLE TO UNANIMOUSLY FIND BEYOND A REASONABLE DOUBT THAT ANY OF THE THRESHOLD ELIGIBILITY FACTORS EXIST. THEN PROCEED TO SECTION VII OF THIS FORM.

IF YOU ANSWERED "YES" WITH RESPECT TO ONE OR BOTH OF THE THRESHOLD ELIGIBILITY FACTORS IN SECTION II ABOVE, THEN CONTINUE YOUR DELIBERATIONS IN ACCORDANCE WITH THE COURT'S INSTRUCTIONS AND PROCEED TO SECTION III WHICH FOLLOWS.

III. STATUTORY AGGRAVATING FACTORS

INSTRUCTIONS:

FOR EACH OF THE FOLLOWING, PLACE AN "X" BESIDE "YES" OR "NO" INDICATING WHETHER YOU, THE JURY, UNANIMOUSLY FIND THAT THE GOVERNMENT HAS ESTABLISHED THE EXISTENCE OF THAT STATUTORY AGGRAVATING FACTOR BEYOND A REASONABLE DOUBT.

1. WILLIAM EMMETT LECROY, JR. COMMITTED THE OFFENSE IN AN ESPECIALLY HEINOUS, CRUEL, AND DEPRAVED MANNER IN THAT IT INVOLVED TORTURE AND/OR SERIOUS PHYSICAL ABUSE OF JOANN LEE TIESLER.
YES X NO

IF YOU ANSWERED "YES," INDICATE WITH AN "X" WHETHER YOU FIND THE OFFENSE INVOLVED ONLY TORTURE, ONLY SERIOUS PHYSICAL ABUSE, OR BOTH.

TORTURE SERIOUS PHYSICAL ABUSE BOTH X

2. WILLIAM EMMETT LECROY, JR. COMMITTED THE OFFENSE AFTER SUBSTANTIAL PLANNING AND PREMEDITATION TO CAUSE THE DEATH OF A PERSON.
YES X NO

IF YOU ANSWERED "NO" WITH RESPECT TO BOTH STATUTORY AGGRAVATING FACTORS, THAT ENDS YOUR CONSIDERATION OF THE DEATH PENALTY AS TO THIS DEFENDANT. YOU SHOULD STOP YOUR DELIBERATIONS, CROSS OUT SECTIONS IV AND V, AND INDICATE IN THE SECTION VI FINDINGS PORTION OF THIS FORM THAT THE JURY HAS BEEN UNABLE TO UNANIMOUSLY FIND BEYOND A REASONABLE DOUBT THAT ANY OF THE STATUTORY AGGRAVATING FACTORS EXIST.

THEN PROCEED TO SECTION VII OF THIS FORM.

IF YOU FOUND ONE THRESHOLD ELIGIBILITY FACTOR IN SECTION II AND AT LEAST ONE STATUTORY AGGRAVATING FACTOR IN SECTION III, THEN YOU MUST CONTINUE YOUR DELIBERATIONS IN ACCORDANCE WITH THE COURT'S INSTRUCTIONS AND PROCEED TO SECTION IV WHICH FOLLOWS.

IV. NON-STATUTORY AGGRAVATING FACTORS

INSTRUCTIONS:

FOR EACH OF THE FOLLOWING, PLACE AN "X" BESIDE "YES" OR "NO" INDICATING WHETHER YOU, THE JURY, UNANIMOUSLY FIND THAT THE GOVERNMENT HAS ESTABLISHED THE EXISTENCE OF THAT NON-STATUTORY AGGRAVATING FACTOR BEYOND A REASONABLE DOUBT.

1. WILLIAM EMMETT LECROY, JR. WOULD BE A DANGER IN THE FUTURE TO THE LIVES AND SAFETY OF OTHER PERSONS, AS EVIDENCED BY:
- (a) SPECIFIC THREATS OF VIOLENCE;
 - (b) RISK OF ESCAPE; AND
 - (c) LOW REHABILITATIVE POTENTIAL;

AND HIS DANGEROUSNESS TENDS TO SUPPORT IMPOSITION OF THE DEATH PENALTY.

YES X NO

2. WILLIAM EMMETT LECROY, JR. CAUSED INJURY, HARM, AND LOSS TO THE VICTIM'S FAMILY BECAUSE OF THE VICTIM'S PERSONAL CHARACTERISTICS AS AN INDIVIDUAL HUMAN BEING AND THE IMPACT OF THE DEATH UPON MS. TIESLER'S FAMILY.

YES X NO

INSTRUCTIONS:

REGARDLESS OF WHETHER YOU ANSWERED "YES" OR "NO" WITH RESPECT TO THE NON-STATUTORY AGGRAVATING FACTORS IN SECTION IV ABOVE, CONTINUE YOUR DELIBERATIONS IN

ACCORDANCE WITH THE COURT'S INSTRUCTIONS AND PROCEED
TO SECTION V WHICH FOLLOWS.

V. MITIGATING FACTORS

INSTRUCTIONS:

FOR EACH OF THE FOLLOWING MITIGATING FACTORS, YOU SHOULD INDICATE, IN THE SPACE PROVIDED, THE NUMBER OF JURORS WHO HAVE FOUND THE EXISTENCE OF THAT MITIGATING FACTOR TO BE PROVEN BY A PREPONDERANCE OF THE EVIDENCE.

A FINDING THAT A MITIGATING FACTOR HAS BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE MAY BE MADE BY ONE OR MORE OF THE INDIVIDUAL MEMBERS OF THE JURY, AND ANY MEMBER OF THE JURY WHO FINDS THE EXISTENCE OF A MITIGATING FACTOR MAY CONSIDER SUCH A FACTOR ESTABLISHED IN CONSIDERING WHETHER OR NOT A SENTENCE OF DEATH SHALL BE IMPOSED, REGARDLESS OF THE NUMBER OF OTHER JURORS WHO CONCUR THAT THE FACTOR HAS BEEN ESTABLISHED.

IN ADDITION TO THE SEVENTEEN MITIGATING FACTORS OUTLINED BY THE COURT, THIS SECTION ALSO CONTAINS BLANK LINES IN WHICH YOU MAY WRITE ANY ADDITIONAL MITIGATING FACTORS THAT ANY MEMBER OR MEMBERS OF THE JURY HAVE FOUND. YOU MAY WRITE THESE ADDITIONAL MITIGATING FACTORS ON THE BLANK LINES. IF YOU NEED ADDITIONAL SPACE, SIMPLY WRITE "CONTINUED" AT THE END OF THE BLANK LIST AND WRITE ADDITIONAL FACTORS ON THE BACK SIDE OF THE PAPER.

1. WILLIAM LECROY, JR. EXPRESSED REMORSE.

NUMBER OF JURORS WHO SO FIND 2 .

2. DURING THE TEN YEARS OF WILLIAM LECROY, JR.'S INCARCERATION, HIS CONDUCT WAS APPROPRIATE

CONSIDERING THE VIOLENCE WITH WHICH PRISONERS ARE FACED ON A DAILY BASIS.

NUMBER OF JURORS WHO SO FIND 12 .

3. THE UNITED STATES BUREAU OF PRISONS HAS SIGNIFICANT SECURITY MEASURES FOR HOUSING OFFENDERS SERVING A LIFE SENTENCE WITHOUT THE POSSIBILITY OF RELEASE.

NUMBER OF JURORS WHO SO FIND. 0 .

4. WILLIAM LECROY, JR. WAS SUBJECTED TO EMOTIONAL AND PHYSICAL ABUSE AS A CHILD.

NUMBER OF JURORS WHO SO FIND 12 .

5. WILLIAM LECROY, JR. GREW UP IN A HOUSEHOLD WHERE HIS FATHER PHYSICALLY, VERBALLY, AND SEXUALLY ABUSED HIS MOTHER.

NUMBER OF JURORS WHO SO FIND 10 .

6. WILLIAM LECROY, JR. GREW UP IN AN UNSTABLE AND VIOLENT ENVIRONMENT THAT INCLUDED DIVORCE, FAMILY VIOLENCE, AND REPEATED MOVES AND SCHOOL CHANGES.

NUMBER OF JURORS WHO SO FIND 12 .

7. WILLIAM LECROY, JR. WAS EXPOSED TO HARSH AND DIFFICULT PRISON LIFE.

NUMBER OF JURORS WHO SO FIND 12 .

8. WILLIAM LECROY, JR. WAS SEXUALLY MOLESTED WHEN HE WAS A CHILD.

NUMBER OF JURORS WHO SO FIND 6 .

9. WILLIAM LECROY, JR. HAS BEEN A KIND AND LOVING GRANDSON, SON, BROTHER, AND FRIEND.

NUMBER OF JURORS WHO SO FIND 12 .

10. WILLIAM LECROY, JR. HAS SHOWN HIMSELF TO BE A PERSON CAPABLE OF KINDNESS, FRIENDSHIP, AND GENEROSITY.

NUMBER OF JURORS WHO SO FIND 12 .

11. WILLIAM LECROY, JR. WAS DEEPLY HURT AND TORMENTED FOR YEARS TO COME AFTER HIS FIANCÉ HAD AN ABORTION.

NUMBER OF JURORS WHO SO FIND 12 .

12. WILLIAM LECROY, JR. HAS TRIED TO NURTURE AND COUNSEL HIS YOUNGER BROTHERS TO HELP THEM AVOID MISTAKES THAT HE HAS MADE.

NUMBER OF JURORS WHO SO FIND 0 .

13. DURING HIS TIME IN PRISON, MR. LECROY HELPED OTHER INMATES AND TOOK PART IN COUNSELING AND SELF-HELP PROGRAMS.

NUMBER OF JURORS WHO SO FIND 12 .

14. AFTER TAKING PART IN MANY COUNSELING PROGRAMS WHILE IN PRISON, WILLIAM LECROY, JR. WAS UNABLE TO OBTAIN MENTAL HEALTH SERVICES DURING THE TIME HE WAS RELEASED.

NUMBER OF JURORS WHO SO FIND 0 .

15. MR. LECROY WOULD LIKELY DO WELL IN A SECURE PRISON ENVIRONMENT.

NUMBER OF JURORS WHO SO FIND 12 .

16. EXECUTING MR. LECROY WOULD CAUSE HIS FAMILY TO SUFFER GRIEF AND LOSS.

NUMBER OF JURORS WHO SO FIND 12 .

17. AT THE TIME OF THE OFFENSE, MR. LECROY WAS 30 YEARS OLD HAVING SPENT THE FIRST 18 YEARS OF HIS LIFE IN A VIOLENT, UNSTABLE, AND ABUSIVE HOUSEHOLD AND THE NEXT 10 YEARS OF HIS LIFE IN AN OFTEN HARSH AND BRUTAL PRISON ENVIRONMENT.

NUMBER OF JURORS WHO SO FIND 12 .

OTHER FACTORS IN MR. LECROY'S CHILDHOOD, BACKGROUND, OR CHARACTER THAT MITIGATE AGAINST IMPOSITION OF THE DEATH SENTENCE:

18. _____

NUMBER OF JURORS WHO SO FIND _____.

19. _____

NUMBER OF JURORS WHO SO FIND _____.

20. _____

NUMBER OF JURORS WHO SO FIND _____.

21. _____

NUMBER OF JURORS WHO SO FIND _____.

22. _____

NUMBER OF JURORS WHO SO FIND _____.

23. _____

NUMBER OF JURORS WHO SO FIND _____.

VI. FINDINGS AS TO SENTENCE

1. IF NO THRESHOLD ELIGIBILITY FACTORS AND/OR STATUTORY AGGRAVATING FACTORS ARE FOUND TO EXIST.

INSTRUCTIONS:

IF YOU HAVE BEEN UNABLE TO UNANIMOUSLY FIND BEYOND A REASONABLE DOUBT THAT ANY FACTORS EXIST IN EITHER THE THRESHOLD ELIGIBILITY FACTORS (SECTION II OF THIS FORM) AND/OR THE STATUTORY AGGRAVATING FACTORS (SECTION III OF THIS FORM), THEN SO INDICATE BELOW.

WE, THE JURY, DO NOT UNANIMOUSLY FIND PROVEN, BEYOND A REASONABLE DOUBT, THE EXISTENCE ANY OF THE THRESHOLD ELIGIBILITY FACTORS AND/OR STATUTORY AGGRAVATING FACTORS REQUIRED BY LAW AS PREREQUISITES FOR THE IMPOSITION OF CAPITAL PUNISHMENT, AND THEREFORE DO NOT CONSIDER THE DEATH PENALTY AS TO THE KILLING OF JOANN LEE TIESLER FOR WHICH THE DEFENDANT HAS BEEN CONVICTED.

FOREPERSON

DATE: March _____, 2004.

INSTRUCTIONS:

IF YOU HAVE BEEN UNABLE TO UNANIMOUSLY FIND BEYOND A REASONABLE DOUBT THAT ANY THRESHOLD ELIGIBILITY FACTOR OR STATUTORY AGGRAVATING FACTOR EXISTS, THEN AFTER THE FOREMAN SO INDICATES ABOVE, YOU SHOULD PROCEED TO SECTION VII OF THIS FORM. IF YOU HAVE UNANIMOUSLY FOUND BEYOND A REASONABLE DOUBT THAT AT LEAST ONE THRESHOLD ELIGIBILITY FACTOR AND ONE

STATUTORY AGGRAVATING FACTOR EXISTS, THEN YOU SHOULD PROCEED TO FIND AN APPROPRIATE PUNISHMENT AS SET FORTH BELOW.

2. SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF RELEASE:

BASED UPON CONSIDERATION OF WHETHER THE AGGRAVATING FACTORS FOUND TO EXIST SUFFICIENTLY OUTWEIGH ANY MITIGATING FACTOR OR FACTORS FOUND TO EXIST, OR IN THE ABSENCE OF ANY MITIGATING FACTORS, WHETHER THE AGGRAVATING FACTORS ARE THEMSELVES SUFFICIENT TO JUSTIFY A SENTENCE OF DEATH, WE FIND, BY UNANIMOUS VOTE, THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE SHALL BE IMPOSED UPON THE DEFENDANT FOR THE KILLING OF JOANN LEE TIESLER AS DESCRIBED IN THE INDICTMENT.

YES _____ NO X

IF YOU ANSWER "YES," SIGN YOUR NAMES HERE, AND THEN PROCEED TO SECTION VII OF THIS FORM. IF YOU ANSWER "NO," THE FOREPERSON ALONE SHOULD SIGN, AND YOU SHOULD PROCEED TO SECTION VII.


FOREPERSON

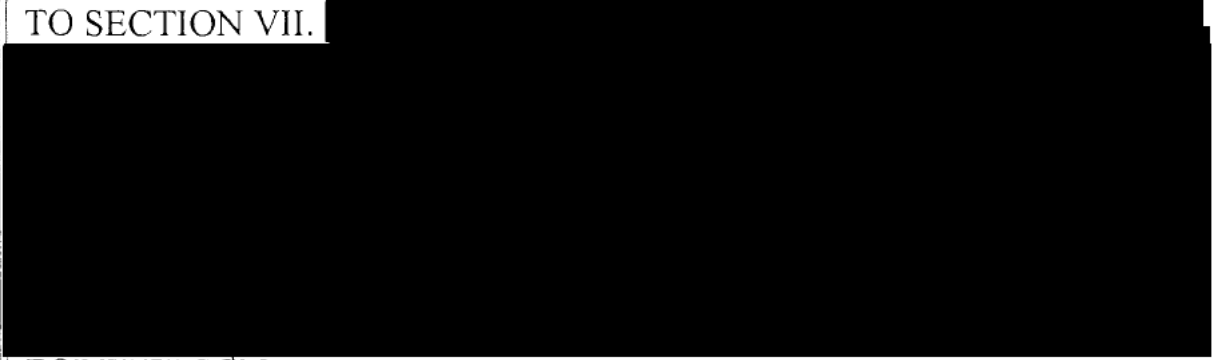
DATE: MARCH 20, 2004.

3. DEATH SENTENCE:

BASED UPON CONSIDERATION OF WHETHER THE AGGRAVATING FACTORS FOUND TO EXIST SUFFICIENTLY OUTWEIGH ANY MITIGATING FACTOR OR FACTORS FOUND TO EXIST, OR IN THE ABSENCE OF ANY MITIGATING FACTORS, WHETHER THE AGGRAVATING FACTORS ARE THEMSELVES SUFFICIENT TO JUSTIFY A SENTENCE OF DEATH, WE FIND, BY UNANIMOUS VOTE, THAT A SENTENCE OF DEATH SHALL BE IMPOSED UPON THE DEFENDANT FOR THE KILLING OF JOANN LEE TIESLER AS DESCRIBED IN THE INDICTMENT.

YES X NO _____

IF YOU ANSWER "YES," SIGN YOUR NAMES HERE, AND THEN PROCEED TO SECTION VII. IF YOU ANSWER "NO," THE FOREPERSON ALONE SHOULD SIGN, AND YOU SHOULD PROCEED TO SECTION VII.

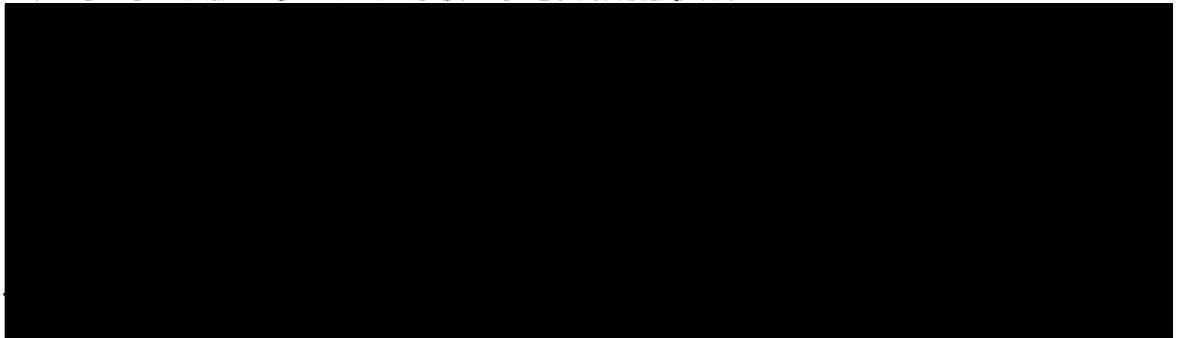


FOREPERSON

DATE: MARCH 10, 2004.

VII. CERTIFICATION

BY SIGNING BELOW, EACH JUROR CERTIFIES THAT CONSIDERATION OF THE RACE, COLOR, RELIGIOUS BELIEFS, NATIONAL ORIGIN, OR SEX OF THE DEFENDANT OR THE VICTIM WAS NOT INVOLVED IN REACHING HIS OR HER INDIVIDUAL DECISION, AND THAT THE INDIVIDUAL JUROR WOULD HAVE MADE THE SAME RECOMMENDATION REGARDING A SENTENCE FOR THE DEFENDANT FOR THE MURDER OF JOANN LEE TIESLER AS DESCRIBED IN OF THE INDICTMENT NO MATTER WHAT THE RACE, COLOR, RELIGIOUS BELIEFS, NATIONAL ORIGIN, OR SEX OF THE DEFENDANT, OR THE VICTIM, WOULD HAVE BEEN. ALL JURORS AND FOREPERSON SIGN BELOW:



FOREPERSON

DATE: MARCH 10, 2004.